

**CHILD-PLACING AGENCIES AND RESIDENTIAL MATERNITY HOMES RULES –
10A NCAC 70F
EFFECTIVE OCTOBER 1, 2008**

This document addresses the changes in 70F rules effective October 1, 2008. A brief description of the new/changed rule is under each section and the current rule is below the description. The description of the new/changed rule is in *italics*. Rules that became effective October 1, 2008 are highlighted in **yellow** throughout this document.

SECTION .0100 GENERAL

.0101 SCOPE

The only change in this section is the addition of the information that therapeutic foster care is covered in this section of the rules and that the North Carolina Division of Social Services (DSS) is the licensing authority for Child-Placing Agencies and Residential Maternity Homes.

10A NCAC 70F .0101 SCOPE

The rules in this Subchapter apply to agencies that receive children for the purpose of placement in family foster homes, **therapeutic foster homes**, adoptive homes, and residential maternity homes. In addition, if agencies provide therapeutic foster care services, the rules in 10A NCAC 27G .0203 and .0204; 10A NCAC 70E; and 10A NCAC 70G apply. The **North Carolina Department of Health and Human Services, Division of Social Services, is the licensing authority** for child-placing agencies for adoption, child-placing agencies for foster care, and residential maternity homes.

.0102 LICENSURE

This section now identifies the GS 131-D-10.3 as the General Statute that governs licensure for Child-Placing Agencies and Residential Maternity Homes. It contains new rule requiring applicants to disclose information about any licenses held in other states currently or in the past 5 years as well as providing documentation from another state where violations, penalties, or probationary status had been imposed. This section previously contained language outlining (some) conditions under which a license would be denied which has been moved to 70L WAIVER PROCEDURES, DENIAL, SUSPENSION, REVOCATION AND APPEAL PROCEDURES.

GS 131-D-10.3 can be found at:

[HTTP://WWW.NCGA.STATE.NC.US/GASCRIPTS/STATUTES/STATUTES.ASP](http://www.ncga.state.nc.us/gascripts/statutes/statutes.asp)

10A NCAC 70F .0102 LICENSURE

- (a) Licensure is required in accordance with **General Statute 131-D-10.3.**
- (b) Licenses shall be in effect for two years unless suspended or revoked. Appeal procedures specified in 10A NCAC 70L .0301 shall apply for persons seeking an appeal of the licensing authority's decision to deny, suspend, or revoke a license.
- (c) Applicants shall **inform the licensing authority of any current licenses or licenses held in the past five years for child-placing agencies, maternity homes, or residential child-care facilities in other states. Applicants shall provide written documentation from the licensing authority in other states regarding violations, penalties, or probationary status imposed in other states.**

SECTION.0200 ORGANIZATION AND ADMINISTRATION

*NOTE: Administrative Rules regarding **GOVERNANCE** are now uniform for Child-Placing Agencies, Residential Maternity Homes and Residential Child-Care Facilities.*

.0201 GOVERNANCE

(a), and (b) of this section were expanded and changed requiring all Child-Placing Agencies and Residential Maternity Homes that operate as corporations to include additional information in the articles of incorporation filed with the Department of the Secretary of State including a statement of purpose that describes the geographic area to be served, kinds of clients to be served, and the range of services to be provided. An official copy of the articles of incorporation must be submitted to the licensing authority.

(c) 1-4 is expanded to include requirements regarding minimum number and composition of membership, limited terms of service, structured committees, orientation and required number of meetings of the governing body of a non-profit or for-profit corporation
 (d) is unchanged. (e) contains some change in language only (f) requires that the meeting minutes of the governing body be permanently maintained (this is not new but moved here from another section).

10A NCAC 70F .0201 GOVERNANCE

(a) A private child-placing agency and residential maternity home shall have a governing body that exercises authority and has responsibility for its operation, policies, and practices. The private child-placing agency and maternity home shall **notify the licensing authority of the type and structure of the governing body.**

(b) A private child-placing agency and a residential maternity home that operates under articles of incorporation shall file the articles of incorporation with the Department of the Secretary of State (<http://www.secretary.state.nc.us>). The articles shall have a statement of purpose that describes the geographic area to be served, kinds of clients to be served, and the range of services to be provided. An official copy of the articles of incorporation shall be submitted to the licensing authority.

(c) In the case of non-profit or for-profit corporations, the governing body shall:

- (1) be composed of **no fewer than six members to include men and women;**
- (2) provide for a **system of rotation for board members and limitation to the number of consecutive terms** a member may serve;
- (3) establish **standing committees;**
- (4) provide **orientation for new members;** and
- (5) **meet at least four times annually** with a quorum present.

(d) An agency shall submit to the licensing authority a list of members of the governing body. This list shall indicate the name, address, and term of membership of each member and shall identify each officer and the term of that office.

(e) A governmental agency shall identify the statutory basis for its authority to operate a child-placing agency or a residential maternity home.

(f) The agency shall **permanently maintain meeting minutes** of the governing body and committees.

.0202 RESPONSIBILITIES OF THE GOVERNING BODY

The term **administrator** has been replaced by **executive director** throughout. (b) is expanded to require that the executive director be located in the administrative office **and** within the geographical boundaries of NC. (c) is **NEW** adding numerous pre-employment requirements for additional background investigation requirements and signed statements regarding personal history and that this information is to be used by the governing body **to determine the individual's fitness for employment as the executive director*****. Sole proprietors or partners shall provide the additional required background information directly to the licensing authority. (d) contains only language changes.

(e) **Contains major change regarding the submission of financial audits.** Agencies are no longer required to submit financial audits to the licensing authority; however, the rule does require that an agency that receives foster care maintenance payments of state funds or state maternity home funds must submit an annual audit the Department of Health and Human Services, Controller's Office in compliance with 10A NCAC 70D .0105(a)(5).

(f) is changed to require that the governing body annually evaluate the agency's services. (g) is unchanged (h) is a new rule requiring that the governing body of all Child-Placing Agencies develop a written disaster plan, provide it to staff and foster parents and updated it at least annually and that the governing body of all Residential Maternity Homes comply with the 70K .0315(g) regarding disaster planning. (i) no change

***Agencies may access the North Carolina Sex Offender and Public Protection Registry at the web site <http://ncfindoffender.com/> and verify if an individual is listed on the Health Care Personnel Registry at the web site <http://www.ncnar.org>. To access information from the Responsible Individuals List (RIL) agencies will need to submit a request form DSS-5268 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5268-ia.pdf>) to the licensing office in Black Mountain. Please note that information from the RIL can only be requested for full time, part time and contracted employees or potential employees, volunteers and interns. The social

security number of the individual in question is required to access information from any of the above sources.

10A NCAC 70F .0202 RESPONSIBILITIES OF THE GOVERNING BODY

- (a) The governing body shall provide leadership for the agency and the agency's policies and programs.
- (b) The governing body shall employ an executive director who is located in the administrative office within the geographical boundaries of North Carolina and delegate responsibility to that person for the administration and operation of the agency, including the employment and discharge of all agency staff.
- (c) The governing body shall require the executive director provide a signed statement that the executive director has no criminal, social or medical history that would adversely affect his or her capacity to work with children and adults. The governing body shall ensure that the criminal histories of an executive director are checked prior to employment and based on the criminal history, a determination is made concerning the individual's fitness for employment. The governing body shall ensure that searches of the North Carolina Sex Offender and Public Protection Registry and the North Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256) are completed prior to employment, and based on these searches, a determination is made concerning the individual's fitness for employment. The governing body shall submit authorization to the licensing authority to search the Responsible Individuals List as defined in 10A NCAC 70A .0102 to determine if the executive director has had child protective services involvement resulting in a substantiation of child abuse or serious neglect, and based on this search, a determination is made concerning the individual's fitness for employment. The governing body shall require that the executive director provide a signed statement prior to employment that he or she has not abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child. The governing body shall require that the executive director provide a signed statement that he or she has not abused, neglected or exploited a disabled adult and that he or she has not been a domestic violence perpetrator. **Agencies or applicants that do not have a governing body shall provide this information directly to the licensing authority.**
- (d) The governing body shall annually evaluate the executive director's performance except a sole proprietor or partner is exempt from this Rule if he or she serves as executive director.
- (e) The governing body shall approve the annual budget of anticipated income and expenditures necessary to provide the services described in its statement of purpose. **Child-placing agencies and residential maternity homes receiving foster care maintenance payments of state funds or state maternity home funds shall submit an annual audit of their financial statements to the Department of Health and Human Services, Controller's Office in compliance with 10A NCAC 70D .0105(a)(5).**
- (f) The governing body shall annually evaluate the agency's services. This evaluation shall include the agency's interaction with other community agencies to serve its clients.
- (g) The governing body shall establish in writing the policies and procedures for control and access to and receipt, use, or release of information about its clients.
- (h) The governing body of child-placing agencies providing foster care services shall develop a written disaster plan that is provided to agency personnel and foster parents. The disaster plan shall be prepared and updated at least annually. The governing body of residential maternity homes shall comply with 10A NCAC 70K .0315(g).
- (i) The governing body, in the event of the closing of the agency, shall develop a plan for the retention and storage of client records. **The specifics of this plan shall be submitted to the licensing authority before the actual closing of the agency.**

.0203 FINANCES, FEES AND INSURANCE

- (a) contains changes in language only.
- (b) changes in financial audit requirements are restated here. There is no longer a requirement that all agencies submit a financial audit to the licensing authority; however the rule requires that all agencies receiving foster care maintenance payments of state funds or state maternity home funds must submit an annual audit of their financial statements to the Department of Health and Human Services, Controller's Office in compliance with 10A NCAC 70D .0105(a)(5).
- (c) contains only minor changes requiring fee statements to be provided at the time of application and upon request. (d) contains **NEW** requirements specifically regarding information that must be provided to prospective adoptive parents regarding the **costs and fees associated with INTERNATIONAL ADOPTION.** (e) **NEW** requirement for Child-Placing Agencies and Residential Maternity Homes to inform to the licensing authority (and parents, guardians, etc) of their current status regarding liability insurance i.e. if they have liability insurance or not, if they do have liability insurance how much and with what insurance carrier.

*Certain states stipulate that agencies they are working with around placement of children have liability insurance. This rule ensures that delays do not occur when children are being placed for adoption or foster care with families in North Carolina from other states. The rule **does not** require a CHILD-PLACING AGENCY or RESIDENTIAL MATERNITY HOME to carry liability insurance.*

10A NCAC 70F .0203 FINANCES, FEES AND INSURANCE

(a) Child-placing agencies and residential maternity homes shall have a written line item budget, showing planned expenditures and revenues available to operate the agency for a 12 month period. A copy of the budget shall be submitted to the licensing authority prior to initial licensure and biennially thereafter.

(b) Child-placing agencies and residential maternity homes receiving foster care maintenance payments of state funds or state maternity home funds shall submit an annual audit of their financial statements to the Department of Health and Human Services, Controller's Office in compliance with 10A NCAC 70D .0105(a)(5).

(c) Child-placing agencies and residential maternity homes shall have a written policy on fees for services which shall be inclusive of all fees and charges. No cost beyond the written policy shall be imposed. The agency policy shall describe the relationship between fees and services provided and the conditions under which fees are charged or waived. The agency shall make the policy available to applicants for services at the time an application for service is made and to the public upon request.

(d) Adoption agencies that provide international adoption services shall inform prospective adoptive parents of the estimated or actual expenses associated with an international adoption that includes:

- (1) application fees;
- (2) preplacement assessment (homestudy) fees;
- (3) pre-adoption service fees;
- (4) government and facilitator fees;
- (5) placement service fees;
- (6) post-placement and post-adoption service fees;
- (7) travel and other costs and fees in the child's country of origin; and
- (8) additional costs associated with the adoption.

(e) Child-placing agencies and residential maternity homes shall notify the licensing authority, parents, guardian, and legal custodian (if applicable) of its status related to liability insurance for the agency and staff to applicants for services at the time an application for service is made.

.0204 AGENCY SETTING

*(a) (b) and (c) are unchanged. (d) is added to require that the administrative office of a CHILD-PLACING AGENCY **may not be located** in an occupied private residence, an occupied group home or maternity home, a crisis pregnancy center, etc. The administrative office of a RESIDENTIAL MATERNITY HOME **may be located** in the maternity home.*

10A NCAC 70F .0204 AGENCY SETTING

(a) The agency shall maintain an administrative office within the geographical boundaries of North Carolina from which the activities carried out under the North Carolina license are handled.

(b) The agency shall provide and maintain office space, equipment and supplies to ensure the following:

- (1) confidentiality and safekeeping of records;
- (2) privacy for interviewing and conferences; and
- (3) availability of visiting rooms for families and children.

(c) The current license shall be posted at all times in a conspicuous place in the primary administrative North Carolina office of the agency.

(d) The administrative office of a child-placing agency for foster care and a child-placing agency for adoption shall **not be located** in a private residence that is occupied, a group home or maternity home that is occupied, a crisis pregnancy center or any other similar occupied dwelling, business, or facility. The office of a residential maternity home **may be located** in the maternity home.

.0205 RESPONSIBILITY TO LICENSING AUTHORITY

The requirement for submission of licensing documents to the licensing authority has been changed from annually to biennially throughout this section. (c) is changed to require notification of the licensing authority of a change in executive director within 72 hours. (d) and (e) previously containing requirements for reporting suspected child abuse and/or neglect have been removed from this section. (d) now requires that any changes in policies and/or procedures be reviewed and approved by the licensing authority prior to instituting a change

This applies only to policies / procedures that relate to Administrative Rules and is included here to assure that proposed changes comply with rule requirements.

(e) now requires that Child-Placing Agencies comply with requirements for reporting critical incidents in compliance with 70G .0513 and that Residential Maternity Homes comply with requirements for reporting critical incidents in compliance with 70K .0210. (f) is changed from immediately reporting the death of a child or resident to the licensing authority to reporting the death to the licensing authority within 72 hours. (g) (h) (i) and (j) contain minor changes in language only.

10A NCAC 70F .0205 RESPONSIBILITY TO LICENSING AUTHORITY

(a) The agency shall submit, **biennially** to the licensing authority, the information and materials to document compliance with the licensure rules and to support issuance of a license.

(b) The agency shall submit to the licensing authority a biennial statistical report of program activities.

(c) The agency shall **provide written notification to the licensing authority of a change in the executive director within 72 hours.**

(d) The agency shall provide written notification to the licensing authority of any changes in policies and procedures to assure that the changes are in compliance with the rules in Subchapters 70E, 70F, 70G, 70H, or 70K. The agency shall receive written approval from the licensing authority before instituting any changes in policies and procedures.

(e) Child-placing agencies for foster care shall comply with requirements related to the handling and reporting of critical incidents in accordance with 10A NCAC 70G .0513. Residential maternity homes shall comply with requirements related to the handling and reporting of critical incidents in accordance with 10A NCAC 70K .0210.

(f) When there is a death of a child or resident in placement in a home supervised by the agency, the executive director or his or her designee shall notify the licensing authority **within 72 hours.**

(g) The agency shall provide to the licensing authority at the time of license application the legal name and social security number of each individual who is an owner and holds at least five percent interest of the agency.

(h) The agency shall provide to the licensing authority written notification of a change in the legal name of any owner and individuals holding an interest of at least five percent within 30 days following the changes.

(i) The agency shall notify the local management entity within 24 hours of placement that a child may require Mental Health, Developmental Disability or Substance Abuse services.

(j) If a child-placing agency for foster care is monitored by a local management entity, the agency shall provide data to the local management entity, as required by Department of Health and Human Services for monitoring and reporting to the General Assembly.

.0206 PERSONNEL POLICIES

*This rule is changed throughout requiring that personnel policies apply to all employees (part-time, full-time and contracted). (a) is otherwise unchanged. (b) NEW requirements for personnel records to contain **documentation of references** contacted, **certified college transcripts for all positions requiring a college degree, training logs and documentation of all additional pre-employment background checks and signed statements** (NOTE criminal record checks must be conducted and certified by the Clerk of Superior Court in the resident's county. An internet based company does not meet the rule requirement) (c) is unchanged*

10A NCAC 70F .0206 PERSONNEL POLICIES

(a) The agency shall have written policies for all employees (full-time, **part-time and contracted**) which include the following:

- (1) written job descriptions and titles for each position defining the qualifications, duties, and lines of authority;
- (2) salary scales;
- (3) a description of employee benefits;
- (4) opportunities for professional growth through supervision, orientation, in-service training, and staff development;
- (5) procedures for annual evaluation of the work and performance of each staff member which includes provision for employee participation in the evaluation process;
- (6) a description of the termination procedures established for resignation, retirement, or discharge; and
- (7) a written grievance procedure for employees.

(b) The agency shall have a personnel file for each employee (full-time, part-time and, contracted) which includes the following:

- (1) the application for employment, including record of work experience;
- (2) documentation of at least three references;
- (3) applicable professional credentials or certifications (prior to employment certified college transcripts shall be obtained for positions requiring college degrees);
- (4) signed statement indicating the employee's understanding of and willingness to comply with confidentiality requirements;
- (5) signed statement that the employee has no criminal, social, or medical history which would adversely affect the employee's capacity to work with children and adults;
- (6) criminal record checks certified by the Clerk of Superior Court;
- (7) results of the search of the North Carolina Sex Offender and Public Protection Registry;
- (8) results of the search of the North Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256);
- (9) results of the Responsible Individuals List as defined in 10A NCAC 70A .0102 that indicate the employee has not had child protective services involvement resulting in a substantiation of child abuse or serious neglect;
- (10) signed statement that the applicant has not abused or neglected a child, has been a respondent in a juvenile court proceeding that resulted in the removal of a child, or had child protective services involvement that resulted in the removal of a child;
- (11) signed statement that the applicant has not abused, neglected, or exploited a disabled adult;
- (12) signed statement that the applicant has not been a domestic violence perpetrator;
- (13) log of training;
- (14) annual performance evaluations;
- (15) documentation of disciplinary actions;
- (16) documentation of grievances files;
- (17) employee's starting and termination dates; and
- (18) reason for termination.

(c) The agency shall have written procedures which safeguard the confidentiality of the personnel records.

.0207 STAFF

(a) is unchanged

(b) Rule is expanded to include **new pre-employment requirements** for additional background investigation requirements and signed statements regarding personal history and that this information is to be used to determine the individual's fitness for employment***. (c) the language is slightly modified indicating that the agency will employ staff who are qualified to provide direct care, social work and therapeutic services. (d) and (e) are unchanged. (f) is expanded to **include interns**. (f) 1 – 4 include minor changes and 5 is added to include **new** requirements for additional background investigation requirements and signed statements regarding personal history for all volunteers and interns.

***Agencies may access the North Carolina Sex Offender and Public Protection Registry at the web site <http://ncfindoffender.com/> and verify if an individual is listed on the Health Care Personnel Registry at the web site <http://www.ncnar.org>. To access information from the Responsible Individuals List (RIL) agencies will need to submit a request form DSS-5268 (<http://info.dhhs.state.nc.us/olm/forms/dss/dss-5268-ia.pdf>) to the licensing office in Black Mountain. Please note that information from the RIL can only be requested for full time, part time and contracted employees or potential employees, volunteers and interns. The social security number of the individual in question is required to access information from any of the above sources.

10A NCAC 70F .0207 STAFF

(a) The agency shall verify prior to employment the personal qualifications of employees through at least three references.

(b) The agency shall require that each applicant provide a signed statement that the applicant has no criminal, social or medical history which would adversely affect the applicant's capacity to work with children and adults. **Prior to employment**, the agency shall submit authorization to the licensing authority to search the Responsible Individuals List as defined in 10A NCAC 70A .0102 to determine if the applicant has had child protective services involvement resulting in a substantiation of child abuse or serious neglect, and based on this search, a determination is made concerning the individual's fitness for employment. The agency shall require that each

applicant provide a signed statement that the applicant has not abused or neglected a child or has been a respondent in a juvenile court proceeding that resulted in the removal of a child or has had child protective services involvement that resulted in the removal of a child. Prior to employment, a certified criminal record check for the applicant shall be obtained, and a search conducted of the North Carolina Sex Offender and Public Protection Registry and North Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256), and based on these findings, a decision is made concerning the individual's fitness for employment. The agency shall require that each applicant provide a signed statement that the applicant has not abused, neglected, or exploited a disabled adult, and has not been a domestic violence perpetrator.

(c) The agency shall employ staff **qualified to perform** administrative, supervisory, **direct** care, **social work, therapeutic,** and placement services.

(d) The agency shall have staff to keep correspondence, records, bookkeeping and files current and in good order. The staff shall maintain strict confidentiality concerning contents of the case records.

(e) The agency shall maintain a roster of members of the staff listing position, title, and qualifications and a current organizational chart showing administrative structure and staffing, including lines of authority. The organizational chart shall be submitted prior to initial licensure and biennially thereafter.

(f) An agency which uses volunteers **and interns** as unpaid staff to work directly with clients shall:

- (1) have written job descriptions and select only those persons qualified to meet the requirements of those jobs;
- (2) require **three** references **relevant to the role and responsibilities to be assumed**;
- (3) designate a staff member to supervise and evaluate **volunteers and interns**;
- (4) develop and implement a plan for the orientation and training of volunteers and interns in the philosophy of the agency and the needs of the clients and their families; and
- (5) **require that each volunteer and intern provide a signed statement that they have no criminal, social or medical history that would adversely affect their capacity to work with children and adults. The agency shall submit authorization to the licensing authority to search the Responsible Individuals List as defined in 10A NCAC 70A .0102 to determine if the intern or volunteer has had child protective services involvement resulting in a substantiation of child abuse or serious neglect, and based on this search, a determination is made concerning the individual's fitness to serve as a volunteer or intern. Prior to beginning volunteer or intern duties, a certified criminal record check shall be obtained and a search conducted of the North Carolina Sex Offender and Public Protection Registry and North Carolina Health Care Personnel Registry (pursuant to G.S. 131E-256), and based on these findings, a decision is made concerning the individual's fitness to serve as a volunteer or intern. The agency shall require that each volunteer or intern provide a signed statement that the volunteer or intern has not abused or neglected a child, been a respondent in a juvenile court proceeding that resulted in the removal of a child, or had child protective services involvement that resulted in the removal of a child. The agency shall require that each volunteer or intern provide a signed statement that the volunteer or intern has not abused, neglected, or exploited a disabled adult and has not been a domestic violence perpetrator.**

.0208 CONFIDENTIALITY

(a) 1, 2, and 3 contain slight changes in language and format only, 4 – 11 contain all of the same information that was previously in (b) 1 – 8.

(a) 10 and 11 are expanded to include maintaining confidential (personnel) records for contract employees and interns.

*(b) 1 and 2 contain changes in format and language only. (c) is added requiring all adoption records be permanently retained by the agency in addition to **new** requirements regarding **electronic storage of records** and the destruction of records for families who did not have a child placed with them or who were not accepted for adoption services.*

10A NCAC 70F .0208 CONFIDENTIALITY

(a) The **agency shall develop and enforce a policy on confidentiality** that will:

- (1) identify the individuals with access to or control over confidential information;
- (2) specify that persons who have access to records or specified information in a record be limited to persons authorized pursuant to law. These persons include the client; the parents or guardian or legal custodian when the client is a minor; agency staff; auditing, licensing, or accrediting personnel; and those persons for whom the agency has obtained a signed consent for release of confidential information;

- (3) require that when a client's information is disclosed, a signed consent for release of information is obtained on a consent for release form signed by the parent(s), guardian, legal custodian or client, if age 18 or older;
 - (4) provide a secure place for the storage of records with confidential information;
 - (5) inform any individual with access to confidential information of the provisions of this Rule;
 - (6) ensure that, upon employment and whenever revisions are made to the policy, staff sign a compliance statement which indicates an understanding of the requirements of confidentiality;
 - (7) permit a client to review his or her case record in the presence of agency personnel on the agency premises, in a manner that protects the confidentiality of other family members or other individuals referenced in the record, unless agency personnel determines the information in the client's case record would be harmful to the client;
 - (8) in cases of perceived harm to the client, document in writing any refusals to share information with the client, parents, guardian or legal custodian;
 - (9) maintain a confidential case record for each client;
 - (10) maintain confidential personnel records for all employees (full-time, part-time and contracted); and
 - (11) maintain confidential records for all volunteers and interns;
- (b) A child-placing agency for foster care and a residential maternity home may destroy in office:
- (1) the closed record of a child or resident who has been discharged from foster care or residential maternity care for a period of three years unless included in a federal or state fiscal audit or program audit that is unresolved, then the agency may destroy the record in office when released from all audits; and
 - (2) a record three years after a child or resident has reached age 18, unless included in a federal fiscal audit or program audit that is unresolved, then the agency may destroy the record in office when released from all audits.
- (c) All individual children, birth parents and adoptive family records shall be permanently retained by the agency. After a period of seven years, the files may be microfilmed or scanned in accordance with provisions of G.S. 8-45.1, following which the original files may be destroyed by a shredding process. The adoption agency may destroy in office the closed records of applicants who were not accepted or who did not have a child placed with them three years after the date of their application, unless included in a federal or state fiscal audit or program audit that is unresolved, then the agency may destroy the record in office when released from all audits.

THE RULES REGARDING CLIENT RIGHTS, GRIEVANCE PROCEDURES, SEARCHES, MEDICATION ADMINISTRATION AND HOME SCHOOLING (PREVIOUSLY INCLUDED IN 70F) HAVE BEEN MOVED TO THE SECTION SPECIFIC TO THE SERVICE BEING PROVIDED (FOSTER CARE/ADOPTION/MATERNITY).

NOTE

The licensing authority is currently working to amend rule 10A NCAC 70F .0202 (c), .0207 (b) and .0207 (f) (5) to include the following:

Applicants, employees, volunteers or interns are not eligible for employment if they have been convicted of a felony involving child abuse or neglect, spouse abuse, a crime against a child or children (including child pornography) or a crime involving violence including rape, sexual assault, or homicide but not including other physical assault or battery. Applicants, employees, volunteers or interns are not eligible for employment if within the last five years they have been convicted of a felony involving physical assault, battery or drug-related offences.

These stipulations are required by IV-E and counties will not be able to place children in facilities that do not have these requirements/exclusions in policy. Agencies will need to update your personnel policies and indicate in your policy that the agency will not employ persons that have these convictions in their criminal history to prevent disruptions in placement or admissions to your facility.